THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.8442 of 1999

Dated : 11.04.2007

Between:

Dr.Amedkar Oriental U.P. School,
represented by its Secretary and Correspondent,
J.Venkateswarlu, Kanigiri, Prakasam District.

… **PETITIONER**

And:

Government of Andhra Pradesh, rep., by
its Secretary, Education Department,
Secretariat, Hyderabad and others.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not paying maintenance grant at the rate of
6 per cent to the petitioner school on the basis of the revised scales of pay payable to the teaching and non-teaching staff with effect from 01.01.1990 as arbitrary and illegal.

It is the case of the petitioner that it was admitted to grant-in-aid and was receiving aid in full to the teaching and non-teaching eligible staff, apart from maintenance grant at 10 per cent. However, the third respondent-District Education Officer, Krishna issued a circular bearing Rc.No.B1/90 dated 24.10.1990 directing payment of maintenance grant at 10 per cent, in accordance with 1979 pay

scales. Questioning the same, the Krishna District Aided and Unaided schools Managers' and Correspondents' Association filed W.P.No.1159 of 1991, and the same was allowed directing the respondents to pay maintenance grant at 6 per cent of the basic pay i.e, the salary being paid during the relevant year. Aggrieved thereby, the respondents preferred W.A.No.963 of 1991 and the same was dismissed confirming the order in the writ petition. Subsequently, the Government issued A.P. Ordinance No.11 of 1994, which was replaced by the Andhra Pradesh Private Educational Institutions Maintenance Grant (Regulation) Act, 1995, and G.O.Ms.No.320 Education (PS-2) Department, dated 16.09.1994. Questioning the said Act and the Government Order, the Recognised Schools Managements Association filed Writ Petition No.20160 of 1994 and the same was allowed setting aside the Act and the said Government Order. Challenging the same, the respondents filed W.A.No.526 of 1997, and the same was also disposed of observing that the respondents shall carry out the orders in W.P.No.1159 of 1991. Subsequently, the petitioner alleged to have made representations to the third respondent for release of maintenance grant at the rate of 6 per cent, but it was paid a meager amount of Rs.9,130/-, though it is entitled to Rs.1,85,003/- from 1990-91 to 1998-99. Hence, this writ petition.

Counter is filed on behalf of the respondents stating that as per the terms of G.O.Ms.No.320 dated 16.09.1994, maintenance grant has to be paid at two per cent with effect from 01.04.1992.

In the light of the said averment, this Court is of the view that the relief sought in this writ petition cannot be granted. However, the respondents are hereby directed to pay maintenance grant at 2 per cent with effect from 01.04.1992.

Accordingly, the writ petition is disposed of. There shall be no

order as to costs.

11.04.2007

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